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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,175	10/22/2003	James P. Siepmann	LTL003US	8352

27906 7590 10/13/2011  
PATENT LAW OFFICES OF DAVID MILLERS  
1221 Sun Ridge Road  
Placerville, CA 95667

EXAMINER
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SEDIGHIAN, REZA

ART UNIT	PAPER NUMBER
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2613

MAIL DATE	DELIVERY MODE
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10/13/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/692,175	<b>Applicant(s)</b> SIEPMANN, JAMES P.	
	<b>Examiner</b> M. R. SEDIGHIAN	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1,2,5-7,9,10 and 13-15 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1,2,5-7,9,10 and 13-15 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/10/11</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

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1. Applicant's election without traverse of Invention I, including claims 1-2, 5-7, 9-10, 13-15, in the reply filed on 7/22/2011 is acknowledged. Claims 1-2, 5-7, 9-10, and 13-15 are now examined.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 5-7, 9-10, and 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, it is not clear what is meant by "... the optoelectronic timing system asserts an electronic signal according to propagation of the optical pulses through the optical timing system; .....; and optical switching system coupled to direct pulses from the semiconductor laser through the first optical waveguide or the second optical waveguide depending on timing of the pulses relative to prior pulses returned from the optical timing system.". It is not clear about asserting of an electronic signal according to propagation of the optical pulses. Which electronic signal is asserted?? Furthermore, it is not clear about the timing of the pulses and return of prior pulses from the timing system. Which pulses are prior pulses, and how such prior pulses are returned to the timing system??

As to claim 5, it is not clear what is meant by "... a previous pulse path and a subsequent pulse path that are operationally coupled to the optical switching system, ...". Which path is a previous pulse path and which path is a subsequent pulse path that are coupled to the optical switching system??

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As to claim 7, it is not clear how the system is configured to compare an actual arrival time of a subsequent pulse to an expected arrival time of the pulse.

As to claim 9, it is not clear what is meant by "... operating an optical switching system to direct pulses from the semiconductor laser through the first optical waveguide or the second optical waveguide depending on timing of the pulses relative to prior pulses returned from the optoelectronic timing system.". It is not clear about the timing of the pulses and return of prior pulses from the timing system. Which pulses are prior pulses, and how such prior pulses are returned to the timing system??

As to claim 10, it is not clear what is meant by "... operating the optical switching system directs each pulse from the semiconductor laser through the first, second, or third optical waveguide depending on timing of the pulse relative to return of a prior pulse through the timing system; ...".

As to claim 13, it is not clear about "... receiving a prior pulse on a previous pulse path to the switching system; and receiving a new pulse from the semiconductor laser on a subsequent pulse path to the switching system ...". It is not clear which pulse is the prior pulse and which paths are the previous and subsequent pulse paths.

As to claim 15, it is not clear how the system is configured to compare an actual arrival time of a subsequent pulse to an expected arrival time of the pulse.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. SEDIGHIAN whose telephone number is (571)272-3034. The examiner can normally be reached on 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. SEDIGHIAN/

Primary Examiner, Art Unit 2613